

OPINION 1762

Cynolebias opalescens Myers, 1942 and *C. splendens* Myers, 1942 (Osteichthyes, Cyprinodontiformes): specific names conserved

Ruling

(1) Under the plenary powers the following specific names are hereby suppressed for the purposes of the Principle of Priority but not for those of the Principle of Homonymy:

- (a) *fluminensis* Faria & Muller, 1937, as published in the binomen *Cynopoecilus fluminensis*;
- (b) *sandrii* Faria & Muller, 1937, as published in the binomen *Gynopoecilus* (recte *Cynopoecilus*) *sandrii*.

(2) The following names are hereby placed on the Official List of Specific Names in Zoology:

- (a) *opalescens* Myers, 1942, as published in the binomen *Cynolebias opalescens*;
- (b) *splendens* Myers, 1942, as published in the binomen *Cynolebias splendens*.

(3) The following names are hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology:

- (a) *fluminensis* Faria & Muller, 1937, as published in the binomen *Cynopoecilus fluminensis* and as suppressed in (1)(a) above;
- (b) *sandrii* Faria & Muller, 1937, as published in the binomen *Gynopoecilus* (recte *Cynopoecilus*) *sandrii* and as suppressed in (1)(b) above.

History of Case 2792

An application for the conservation of the specific names of *Cynolebias opalescens* and *C. splendens*, both of Myers (1942), was received from Drs Carl J. Ferraris and Kenneth J. Lazara (*American Museum of Natural History, New York, N. Y., U.S.A.*) on 4 October 1990. After correspondence the case was published in BZN 49: 207–208 (September 1992). Notice of the case was sent to appropriate journals.

Further information on the history of the publications by Faria & Muller (1937) and Myers (1942) was published in BZN 49: 233 (September 1992).

It was noted on the voting paper that the species were included under the names *Cynolebias opalescens* and *C. splendens* in recent publications (1991, p. 39; 1992, p. 20) issued by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (para. 3 of the application).

CITES. 1991. List of CITES Appendix Amendment Proposals. *Traffic Bulletin*, 12(3): 38–40.

CITES. 1992. Amendment Proposals — Results. *Traffic Bulletin*, 13(1): 19–22.

Decision of the Commission

On 1 September 1993 the members of the Commission were invited to vote on the proposals published in BZN 49: 208. At the close of the voting period on 1 December 1993 the votes were as follows:

Affirmative votes — 21: Bayer, Bock, Cocks, Cogger, Corliss, Dupuis, Hahn, Halvorsen, Heppell, Kabata, Kraus, Macpherson, Mahnert, Minelli, Nielsen, Savage, Schuster, Starobogatov, Štys, Trjapitzin, Willink

Negative votes — 5: Holthuis, Lehtinen, Martins de Souza, Nye and Thompson.

Bouchet abstained.

No vote was received from Uéno.

Ride was on leave of absence.

Bouchet commented: 'I am prepared to reject Faria & Muller's (1937) paper on the grounds that *Revista Naval* was not published for the purpose of providing a permanent scientific record but I am not prepared to reject the names *fluminensis* and *sandrii* 'only on the question of whether the widespread adoption of a junior synonym outside of the systematic community is sufficient to justify its continued use' (BZN 49: 233, para. 1). Listing by CITES is not sufficient to demonstrate that there is widespread adoption of Myers's names'. Dupuis commented that he voted in favour solely because Myers's (1942) names were included in CITES publications. Holthuis commented that since all the names were relatively recently published priority should prevail. Kabata said that he voted for the case with reluctance. Lehtinen commented: 'The listing of names in a *Red Data Book* or similar publication is an important additional consideration in problematic cases but the suppression of names which are some years older cannot be accepted mainly on this basis'. Thompson commented: 'When workers correctly and properly follow the principles and Code of nomenclature and use the senior names for species which were only recently discovered, some specialists ignore their actions, waiting a few years until the junior names have existed for 50 years so as to apply for their conservation. Such actions are unethical and contrary to the principles of science and should not be endorsed'. (*Editorial note.* Drs Ferraris & Lazara did not wait until 50 years after the publication of Myers (1942). They submitted their application in October 1990 and wrote (May 1992) that they would have supported the resurrection of the names of Faria & Muller (1937) were it not for the widespread adoption of Myers's names by government and conservation organisations).

Original references

The following are the original references to the names placed on an Official List and an Official Index by the ruling given in the present Opinion:

- fluminensis*, *Cynopoecilus*, Faria & Muller, 1937, *Revista Naval*, 37(3): 99.
opalescens, *Cynolebias*, Myers, 1942, *Stanford Ichthyological Bulletin*, 2(4): 107.
sandrii, *Gynopoecilus* (recte *Cynopoecilus*), Faria & Muller, 1937, *Revista Naval*, 37(3): 98.
splendens, *Cynolebias*, Myers, 1942, *Stanford Ichthyological Bulletin*, 2(4): 110.